



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor: Ira Clevenger  
Title: APPLE TREE 'FUGACHEE FUJI'  
Ser. No.: 10/713,611  
Filed: November 13, 2003  
Docket: BR6.P41

**DECLARATION AND POWER OF ATTORNEY**

I, Ira Clevenger, declare that:

My address is 885 Seamist #207, Ventura, CA 93003, USA, and I am a resident and citizen of the United States of America.

I have reviewed and understand the contents of the foregoing specification, including the claim, and I believe I am the original, sole and first inventor of the plant that is the subject of the plant patent application entitled APPLE TREE 'FUGACHEE FUJI' filed November 13, 2003 under serial no. 10/713,611.

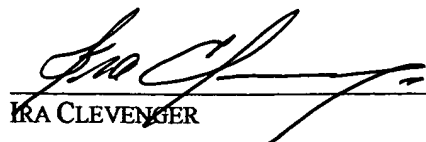
I have asexually reproduced the new and distinct variety. The new and distinct variety was found in a cultivated area.

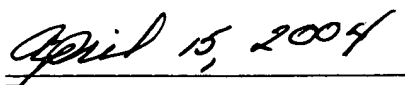
I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with 37 C.F.R. ' 1.56(a).

**Power of Attorney**

I hereby appoint MICHELLE BOS, Registration No. 45,499 and CHRIS E. SVENDSEN, Registration No. 40,193 of the law firm of STRATTON BALLEW PLLC, 213 South 12th Avenue, Yakima, Washington 98902, as my attorneys and agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. Please direct all telephone calls to Michelle Bos at (509) 453-1319 and facsimiles to (509) 453-4704.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of any patent issuing from this patent application.

  
IRA CLEVINGER

  
DATE